

June 16, 2014

Hon. A. Kathleen Tomlinson, U.S.M.J.
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: Moroughan v. County of Suffolk, et al.
Index No. CV 12-0512 (JFB)(AKT)

Dear Judge Tomlinson:

The Suffolk County defendants respectfully submit this letter in response to the plaintiff's recent request to compel the County to provide the plaintiff with photographs of certain portions of the interior of the Suffolk County Second Police Precinct. As indicated by the plaintiff in his letter motion, we do not object to a walk-through of the precinct by the plaintiff and his representatives for the purposes of understanding the layout of the areas he seeks to inspect. However, as the plaintiff has indicated, the Police Department objects to the photographing of these areas for reasons of security.

Plaintiff may be correct that numerous persons have been present inside the Second Precinct and the Second Squad for various reasons, but none have ever been permitted to take photographs. It goes without saying that the confines of the precinct and detective squad area are often used to house and detain prisoners charged with crimes. Access to these photographs by persons unrelated to this litigation could have an impact on security if used by those persons, or, if as the plaintiff has pointed out, they were to be disseminated through the ease of digital transmission. And, as has been previously demonstrated, even the most confidential of documents can find their way into the hands of the public, despite the best efforts of the parties.

The County does not believe the plaintiff is proceeding in bad faith and we have indeed attempted to craft a reasonable compromise. It is the County's position that the walk through of the Precinct will serve to adequately meet the needs of the plaintiff. If after the walk through, the plaintiff still believes there are areas that he needs to have photographed, and if those areas can be depicted without creating any security issues, the County would not object to providing those specific photos. However, depending on the number of photographs, and the availability of Police Department personnel, the County

may ask the plaintiff to reimburse the County for the cost involved in the taking and developing of those photos.

I thank the Court for its consideration of this matter.

Respectfully submitted,

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Assistant County Attorney

cc:

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